

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

**CIVIL NO. 1:05CV305
(1:02CR45)**

MANUEL CARRIZOZA,)	
)	
Petitioner,)	
)	
Vs.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
_____)	

THIS MATTER is before the Court upon the Petitioner's motion for the status of his motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255.

Counsel is correct that no judicial action has been taken in this matter since her motion to appear *pro hac vice* was allowed by the Court in October 2005. Counsel should be aware that since the United States Supreme Court's pronouncements in *Blakely v. Washington State*, 542 U.S. 296 (2004), and *United States v. Booker*, 543 U.S. 220 (2005), this Court (and every district court nationwide) has been inundated with motions to vacate and each petitioner argues the relief sought is

meritorious and should be acted upon without delay. While the Court appreciates counsel's concern that the Petitioner is "potentially prejudiced by any delay in this proceeding," Petitioner's motion will be reviewed as soon as is practicable.

IT IS, THEREFORE, ORDERED that Petitioner's motion for status is **ALLOWED**, and the status of this action is set forth above.

Signed: November 1, 2006

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

